IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
APPELLATE CIVIL JURISDICTION

APPEAL FROM ORDER NO.227 OF 2007
IN
NOTICE OF MOTION NO.3372 OF 2006
ALONGWITH
APPEAL FROM ORDER NO.228 OF 2007
IN
NOTICE OF MOTION NO.2591 OF 2006
IN
B.C.C.C. SUIT NO.3010 OF 2006

Irfan Latif Shaikh & Ors. ...Appellants(orig.Pltfs.)
Vs.
The Municipal Corpn of Bombay & Ors. ...Respondents(orig.Defdts.)

Mr. J.N. Jayale, Advocate for Appellants
Mrs. Geeta Joglekar, Advocate for BMC

CORAM: SHRI ABHAY S. OKA, J.
DATED: 30TH APRIL, 2007

P.C.

1. Heard Advocates appearing for the parties. The learned Advocate appearing for the Appellants states that the Appellants desire to unconditionally withdraw the suit filed in the trial Court as well as the present Appeal as the Appellants desire to apply for regularisation of the suit structure. He has placed on record the affidavit of the second Appellant. The said affidavit is taken on record and marked "X" for identification.

2. In view of the said affidavit I pass following order :

(a) The Appeal is dismissed as withdrawn.

(b) The Suit filed by the Appellants in the City Civil Court is also dismissed as withdrawn.

(c) If an application is made by the Appellants to the concerned Authority of the Respondents for regularization of the suit structure within a period of 6 weeks from today, the concerned Authority will decide the said application within a period of 6 weeks from the date of filing of the said Application.

(d) If the application is made within the stipulated period of 6 weeks from today, status-quo as of today shall be maintained by both the parties in respect of the disputed structure for a period of 20 weeks from today.

(e) If the application for regularization is not made within the stipulated period of 6 weeks from today, it will be open for the Respondents to take appropriate action against the structure after expiry of period of 6 weeks.

(f) If the application for regularization is made within a period of 6 weeks from today, the order passed thereon shall be communicated by the Respondents to the Appellants within a period of one week from the date of passing of the order.

(g) The trial Court will pass a formal order on the suit in terms of this order.

(h) Parties to act upon an authenticated copy of this order.

(i) Civil Application does not survive and is disposed of.

JUDGE